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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,990	01/31/2002	Toshihiko Yuki	JP920000455US1	9145

28722 7590 06/30/2004

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EXAMINER

WATKO, JULIE ANNE

ART UNIT	PAPER NUMBER
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2652

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DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/061,990

Applicant(s)

YUKI ET AL.

Examiner

Julie Anne Watko

Art Unit

2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) 11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Corrected drawings are required in this application because the proposed drawing correction filed May 24, 2004, paper no. 5, has been approved. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

2. Claim 10 is objected to because of the following informalities:

Claim 10 recites the limitation “~he” in line 1. The Examiner suggests the limitation -- [~]the--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Rejections under this section have been overcome by amendment and/or argument.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Macpherson et al (US PAP No. 2003/0076633 A1).

See rejection of claims 11-12 stated in paper no. 4, mailed February 18, 2004.

Allowable Subject Matter

6. Claims 1-10 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter:

See Applicant's arguments in paper no. 5, filed May 24, 2004, which are persuasive with respect to independent claim 1. Macpherson et al are silent regarding asymmetry of a pivot member.

Regarding claim 4: The prior art of record neither shows nor suggests that a pivot member has a shaft fixed on the base side, a sleeve fixed on the head assembly side, and a bearing mounted between the shaft and the sleeve; and wherein the sleeve has a flange section that extends toward the periphery, and balance adjustment sections that adjust the balance when the head assembly pivots are formed on that flange section. It is noted by the Examiner that the balance adjustment section (including 150) of Macpherson et al is not part of a flange section of a sleeve.

Regarding claim 7: The prior art of record neither shows nor suggests that a pivot member has a shaft fixed on the base side, a sleeve fixed on the head assembly side, and a bearing mounted between the shaft and the sleeve; and wherein the sleeve has a flange section at one end, and with regard to the flange section, the location of a center of gravity of the flange section in a plane orthogonal to the axis of the shaft is eccentric with respect to the axis of the shaft. It is noted by the Examiner that of Macpherson et al are silent regarding a location of a center of gravity of a flange section 152 of a sleeve.

Response to Arguments

8. Applicant's arguments filed in paper no. 5, filed May 24, 2004, have been fully considered but they are not persuasive with respect to claims 11-12.

Applicant has argued an asymmetry limitation. No asymmetry is recited in claims 11-12. Furthermore, as described in detail in paper no. 4, mailed February 18, 2004, the reference shows each and every limitation recited in claims 11-12. The Examiner notes especially the shape of flange section 152 in Fig. 2 of Macpherson et al.

If Applicant believes that claims 11-12 are not anticipated, then Applicant is welcome to specifically point out any difference between the reference and the rejected claims.

Conclusion

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Anne Watko whose telephone number is (703) 305-7742. The examiner can normally be reached on Monday-Thursday, 9AM-5PM, Friday 9AM-7:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Julie Anne Watko
Primary Examiner
Art Unit 2652

June 28, 2004
JAW

A handwritten signature in black ink, appearing to read 'Julie Anne Watko', with a stylized, cursive script.